

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

Encompass Insurance Company

V.

CIVIL ACTION NO. 1:05-cv-11693 RCL

Joseph D. Giampa et al.

PROCEDURAL ORDER OF DISMISSAL

LINDSAY, D.J.

In order to avoid the necessity for counsel to appear at periodic status conferences and so that the court may efficiently manage its docket, the court orders that the above-entitled action be, and it hereby is, dismissed without prejudice, pending completion and termination of the Parallel Criminal Investigation. The action shall be restored to the docket upon motion of any party (which motion shall make specific reference to this order) if it appears from the motion that further proceedings in this court are required following the completion and termination of Parallel Criminal Investigation. If no such motion is filed within thirty days following the completion and termination of Parallel Criminal Investigation, this order shall constitute the final order terminating the action with prejudice.

The termination of this action by this order also will terminate any pending motions. For that reason, any party seeking the resolution of any motion pending at the time of the closing of the action shall file re-file and serve the motion (hereinafter the “renewed motion”), together with any papers necessary for the disposition of the renewed motion (which papers may be the

papers filed with the original motion) in accordance with the rules of this court. Any opposition to the renewed motion shall be filed and served in accordance with the rules of this court.

SO ORDERED.

/s/ Reginald C. Lindsay
United States District Judge

August 27, 2008